

Q Operating Corp.  
Newark, NJ

### **FINDINGS:**

On the morning of 5/19/99, the bureau received a call from Walt Janicek of the NJDEP Metro Emergency Response field office. Mr. Janicek informed the bureau that an ongoing discharge to the Passaic River had been discovered the evening of 5/18/99 and it was believed to originate from Q Operating in Newark. I arrived at the site at approximately 1340 hours on 5/19/99. The US Coast Guard was on-site when I arrived and was investigating the source of the discharge. Dyed fuel oil was coming from behind the Q Operating bulkhead. The discharge had been boomed and sorbents had been placed in the boomed area. The Coast Guard and the Department's Emergency Response personnel believed the discharge was coming from the 100,000 gallon fuel oil tank located in the northwestern corner of the facility. The tank had been emptied early that day under the direction of the Department. Upon my arrival, I asked the facility representative (Aziz Dar) if there was any other product being stored on-site. He informed me that there was not. The USCG and DEP Emergency Response personnel on-site confirmed that the facility representative also informed them that there was no other product on site. Prior to my departure, I instructed the facility to not bring any additional product into the site until the source of the discharge was confirmed. At that time, the facility representatives stated that tanks #4 and #5 already held approximately 35,000-36,000 gallons of gasoline. I informed Thomas LePage of the USCG and Hayder Camargo of NJDEP Emergency Response. The USCG and Emergency Response were working jointly to pinpoint the source and to contain/cleanup the discharge (S&D Environmental had been contracted by the DEP to do this work) since the facility was unwilling to take action to contain or cleanup the discharge. At the time of my departure, the source of the discharge had not been pinpointed.

During the course of this investigation, I obtained copies of the bills of lading generated when the fuel oil tank was placed into service and copies of delivery tickets generated when the tank was emptied. The receipts total 17,781 gallons and the offloading tickets total 16,569 gallons, a loss of 1,212 gallons. The deliveries to the fuel tank began on 4/30/99 – evidence that the facility misled the department concerning the start of operations at the facility.

It is important to note that the facility's owner (Tony Opabajo of United Petroleum Company) had submitted a letter dated 4/30/99 (received by the bureau on 5/4/99) that stated operations at the facility would not begin until 5/10/99. I conducted an inspection at the site on 5/5/99 and was told that the facility was not operating at that time and that all tanks were empty. The bureau mailed a letter dated 5/12/99 detailing two violations that had to be addressed prior to the start of operations as well as several items that had to be completed within 30 days of receipt of the letter. Employee training in site specific operations and emergency response procedures had to be completed and copies of the facility's standard operating procedures were to be maintained on-site prior to the start of operations. Those violations had not been corrected as of the date of this inspection and other violations were apparent. Other violations include: providing false and misleading information to the Department, failure to equip underground pipes with leak detection device, failure to contain the discharge and act in accordance with the DCR plan, failure to promptly cleanup the discharge, failure to equip storage tanks with high level alarms, failure to maintain inventory records and SOPs, and failure to conduct visual inspections.

Pursuant to my 6/3/99 telephone conversation with Hayder Camargo of the Department's Emergency Response team, the source of the discharge was confirmed to be a leaking underground pipe from the tank farm to the pumphouse. Emergency response required the facility to eliminate that pipe from service, and the facility cleaned and abandoned the pipe in place. Emergency response also noted that an abandoned drainage pipe carried the leaked fuel to the river and required that the pipe be sealed at both ends. The fuel oil tank that was emptied was found to be generally sound with minor repairs necessary. A copy of the Emergency Response report will be maintained with the bureau's files upon receipt of that report.

### **CONCLUSIONS/RECOMMENDATIONS:**

The facility has lied to or misled this bureau and other state, federal and local officials during this incident and the days preceding this incident. I recommend that an enforcement action be taken against this facility for each

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and every violation committed as a result of this discharge and as a result of operating the facility without regard to applicable DPCC requirements. A Field Record of Violation will be prepared detailing all violations. Additionally, the facility will be re-inspected to ensure that upgrades required by Emergency Response are completed prior to resuming product movement. Any additional precautions to be taken by the facility will be determined and addressed in a letter to the facility.

### Potential Violations at Q Operating

Based on my review of the facility and information provided by the facility and DEP emergency response personnel, the following violations could be cited.

- 6m
- |    |  |                            |
|----|--|----------------------------|
| 1) | <b>Base Penalty for a discharge of 1,000 – 4,999 gallons</b> | <b>\$5,000</b>             |
|    | Cause of discharge – accidental                              | 50% reduction              |
|    | Initiate response to discharge - > 2 hours                   | 20% increase               |
|    | Area of impact – into waters of the State                    | 30% increase               |
|    | Discharge history - Zero discharges in previous 12 mnths     | <u>No change from base</u> |
|    | Total Modifications to base penalty:                         | No change from base        |
|    |  | <b>\$5,000</b>             |
- N.J.A.C. 7:1E-1.11(a) - A discharge of approximately 1,212 gallons of fuel oil occurred and it impacted soils and the Passaic River.
- 2) **Knowingly providing false and misleading information to the Department..... \$20,000**
- N.J.A.C. 7:1E-6.6(c)1 - Facility lied verbally and in written submissions to the Department about their operating status and about storage of petroleum products on site
- 3) **Failure to equip existing underground pipes with leak detection device..... \$5,000**
- N.J.A.C. 7:1E-2.4(c) – Facility failed to move underground pipes aboveground as required by the upgrade schedule in the approved DPCC plan. Work should have been completed by 12/97.
- 4) **Failure to implement training program ..... \$10,000**
- N.J.A.C. 7:1E-2.12(a) – Facility failed to provide adequate training to newly assigned employees.
- 5) **Failure to maintain inventory records and standard operating procedure..... \$1,000**
- N.J.A.C. 7:1E-4.8(b) – Facility failed to maintain any SOPs and did not provide site specific emergency response and on-the-job training to newly assigned employees.
- 6) **Failure to equip storage tanks with devices capable of detecting overfills..... \$5,000**
- N.J.A.C. 7:1E-2.2(d) – None of the storage tanks on-site had operative high level alarms or other devices capable of detecting an overfill.
- 7) **Failure to conduct visual inspections..... \$2,000**
- N.J.A.C. 7:1E-2.10(a) – Facility failed to conduct visual leak detection inspections of storage areas, aboveground piping, tank truck transfer areas, secondary containment, security, etc.
- 8) **Failure to promptly clean up a discharge..... \$10,000**
- N.J.A.C. 7:1E-2.11(c) – Facility failed to promptly clean up the discharge.
- 9) **Failure to attempt to stop/ contain a discharge or to follow the DCR action plan... \$20,000**
- N.J.A.C. 7:1E-5.7(a) – Facility failed to deploy containment measures or utilize a contractor to contain/cleanup the discharge.

07-14-842

# NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

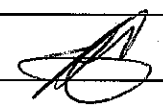
## BUREAU OF EMERGENCY RESPONSE REGION I INVESTIGATION REPORT - CASE #: 99-05-18-2129

**CASE NAME:** United Petroleum Co. Inc. **JOB #:** 33492560  
**LOCATION:** 101 Riverside Avenue  
**MUNICIPALITY:** Newark **COUNTY:** Essex

**RESPONSIBLE PARTY:** United Petroleum Co. Inc.  
**ADDRESS:** 14610 Old Gun Powder Road  
Laurel, Maryland, 20707  
**CONTACT:** Tony Opabajo **PHONE:** 301-317-4220

**MATERIAL:** No. 2 Fuel Oil **DIRECTIVE:** YES  
**AMOUNT:** > 1000 gallons **NOV:** No  
**CAUSE:** Spill **ACR:** YES  
**CLEAN UP:** Spill Fund \$15,000 **OPA'90:** YES  
**INJURY:** No **NRC #:**  
**EVACUATION:** No **FOSC:** P.O. Mark Harvey

**DUTY OFFICER:** D. Berzins

**REPORT AUTHOR:** H. Camargo **REPORT DATE:** June 25, 1999 **Initials:** 

| RESPONDERS    | DATE    | START | STOP | REG HRS | OT HRS | TOT HRS |
|---------------|---------|-------|------|---------|--------|---------|
| 1. H. Camargo | 5-18-99 | 2200  | 2359 | -       | 2.0    | 2.0     |
| 2. W. Janicek | 5-18-99 | 2200  | 2359 | -       | 2.0    | 2.0     |
| 3. H. Camargo | 5-19-99 | 0000  | 0800 | -       | 8.0    | 8.0     |
| 4. W. Janicek | 5-19-99 | 0000  | 0800 | -       | 8.0    | 8.0     |
| 5. H. Camargo | 5-19-99 | 1530  | 2030 | 1.5     | 3.5    | 5.0     |
| 6. D. Berzins | 5-19-99 | 1500  | 2100 | 1.0     | 5.0    | 6.0     |
| 7. H. Camargo | 5-20-99 | 1200  | 1800 | 5.0     | 1.0    | 6.0     |
| 8. W. Janicek | 5-20-99 | 1200  | 1600 | 4.0     | -      | 4.0     |
| 9. B. Lindner | 5-20-99 | 1200  | 1600 | 4.0     | -      | 4.0     |
| 1 H. Camargo  | 5-21-99 | 0900  | 1500 | 6.0     | -      | 6.0     |
| 1 H. Camargo  | 5-24-99 | 1100  | 1500 | 4.0     | -      | 4.0     |
| 1 D. Berzins  | 5-24-99 | 1100  | 1500 | 4.0     | -      | 4.0     |
| 1 H. Camargo  | 5-26-99 | 1330  | 1530 | 2.0     | -      | 2.0     |
| 1 B. Doyle    | 5-26-99 | 1330  | 1530 | 2.0     | -      | 2.0     |
| 1             |         |       |      |         |        |         |

**LEVEL OF PROTECTION:**  
**INSTRUMENTATION:**

**HAZCAT:** **RAD:**  
**Hnu:** **DRAGER:**  
**OVA:** **MIRAN:**  
**CGI:** **CMS:**

**ENTRIES:**

**MATERIALS:**  
**BOOM:** 3 Bundles  
**PAD:**  
**SWEEP:** 2 Bundles  
**TUBES:**

**OTHER:**

## BRIEF DESCRIPTION OF INCIDENT:

BER-1 deployed to the report of oil entering the Passaic River from a river bulkhead located at the former Q-Petroleum site on Riverside Avenue in Newark, Essex County. SOSC's Camargo and Janicek deployed to the incident location to assist Newark OEM and Fire Department with the investigation. Upon arrival the SOSC's confirmed the discharge of fresh No. 2 Fuel Oil entering the river. The SOSC's immediately deployed sorbent material into the river and requested hard containment boom from Newark Fire Department. Newark was able to supply 200 feet of containment boom. Once the containment boom arrived the SOSC's supervised the deployment of the boom. The boom was deployed via the assistance of NJ Marine Police.

According to Newark OEM, Q-Petroleum was inactive and contained no product on-site. The property was acquired by United Petroleum of Laurel, Maryland and they were in the process of upgrading the site to operating status. Newark OEM was able to contact United Petroleum representative William Nappo. Mr. Nappo identified himself as terminal manager for United Petroleum. BER-1 instructed Mr. Nappo to hire a cleanup contractor to remediate the heating oil spill. Mr. Nappo advised the SOSC's that a United Petroleum representative was enroute to the incident location to assist with cleanup efforts. Mr. Nappo also stated it was impossible for the discharge to be from United Petroleum as there was no petroleum product currently stored at the terminal.

Once the United Petroleum representative, Mr. Aziz Dar, arrived on-site he was questioned by BER-1 and Newark OEM. According to Mr. Darr approximately 12,000 gallons of No. 2 fuel oil was being stored in tank No. 1, a 100,000-gallon above ground storage tank. The facility consists of six 100,000-gallon above ground storage tanks. Three of the tanks are used for storing heating oil and the remaining three are used to store gasoline. The heating oil was delivered via land and was being used to test the No. 2 Heating Oil Tank system. Mr. Darr refused to hire a cleanup contractor because he felt the oil entering the Passaic River was from an off-site source and he also stated he did not have the authority to engage a contractor. Mr. Darr was questioned as to whom was the owner of United Petroleum and who was Mr. Bill Nappo. According to Mr. Darr, Tony O. was the owner of United Petroleum and Mr. Bill Nappo worked for the former property owner Q-Petroleum.

The SOSC's used Q Facility Corporation's emergency contact list dated March 5, 1999 to contact the highest ranking officer. According to the list Mr. Nappo was listed as the president and Mr. Darr was the Qualified Individual (QI). A Mr. Arthur Caruso was listed as the Terminal Operations Spill Manager. The SOSC's made contact with Mr. Caruso who stated he no longer worked with the company. The SOSC's also had a letter from United Petroleum Company, Inc. dated April 22, 1999 which stated the Q Facility will be called United Petroleum Co., Inc. The letter did not state a new DPCC list would be generated due to the name change. The letter was signed Tony Opabajo, President.

The SOSC's were unable to contact Mr. Opabajo and Mr. Darr was unaware he was United Petroleum's "Qualified Individual (QI)" and terminal manager as per the DPCC list. Due to the above information the SOSC's sought the use of the State Spill Fund to remediate the spill. Region Chief Pearson was notified and advised of the incident findings. Mr. Pearson authorized \$10,000 dollars to engage S&D Environmental under the Emergency Services Contract. Mr. Darr was also issued a Field Directive directing United Petroleum to stop the discharge into the Passaic River and engage a cleanup contractor to remediate the spill.

Representatives from the US Coast Guard also arrived on-site and assisted with source investigation. The Coast Guard collected oil samples for fingerprinting the material. Once S&D Environmental arrived on site they deployed 300 feet of containment boom and recovered free product from the containment area via sorbent material. S&D secured from the incident location at 0600 hours and were to re-deploy if the RP did not accept responsibility. The SOSC's remained on-site and continued source investigation during daylight. The SOSC's discovered at low tide that the heating oil was leeching out of a hole in United Petroleum's retaining wall.

BER-1 directed Mr. Nappo to remove any heating oil stored on-site or arrangements were to be made with S&D Environmental to off-load the material. Mr. Nappo made arrangements with Trade Winds Environmental of Bay Shore, New York to remove all heating oil stored in the above ground storage tanks. Trade Winds removed approximately 19,000 gallons of No. 2 heating oil from tank No. 1. Arrangements were also made by United Petroleum to integrity test Tank No. 1.

S&D Environmental was re-deployed to the incident location at 1530 hours to continue recovery of oil from the containment areas as the RP refused to accept responsibility for the discharge. BER-1 also met with Coast Guard representatives and requested their assistance with cleanup efforts. The Coast Guard gave verbal approval to assume cleanup responsibility starting from May 20, 1999. The Coast Guard was to continue with S&D Environmental as the cleanup contractor.

A continued on-site inspection by BER-1 revealed an additional two above ground storage tanks that contained petroleum product. Tanks No. 5 and 6 contained 35,000 gallons of gasoline. BER-1 also made arrangements for a representative from the NJDEP, Bureau of Discharge Prevention (DPCC) and a NJDEP Hydro-geologist to meet on-site on May 20, 1999.

On May 20, 1999, a conference call was held between William Nappo of United Petroleum, the US Coast Guard and BER-1. United Petroleum agreed to assume responsibility for cleanup of the discharged material, however they refused to accept responsibility for the spill. Based on the conversation the Coast Guard requested, the State continued the cleanup until United Petroleum's contractor could mobilize and continue cleanup. S&D Environmental secured all their equipment from site by 1800 hours on May 20, 1999. United Petroleum deployed 500 feet of containment boom from a storage area located on-site. Trade Winds of Bay Shore, New York assumed cleanup of the spilled material. Trade Winds also conducted three sub-surface soil borings around the perimeter of Tank No. 1. The soil borings went to first water and no free product was encountered.

NJDEP Hydrogeologist Bill Linder was on-site and recommended additional soil borings along the waterfront retaining wall and out-fall drainage pipe. Arrangements were made to bring a Geo-Probe on-site to conduct the soil borings.

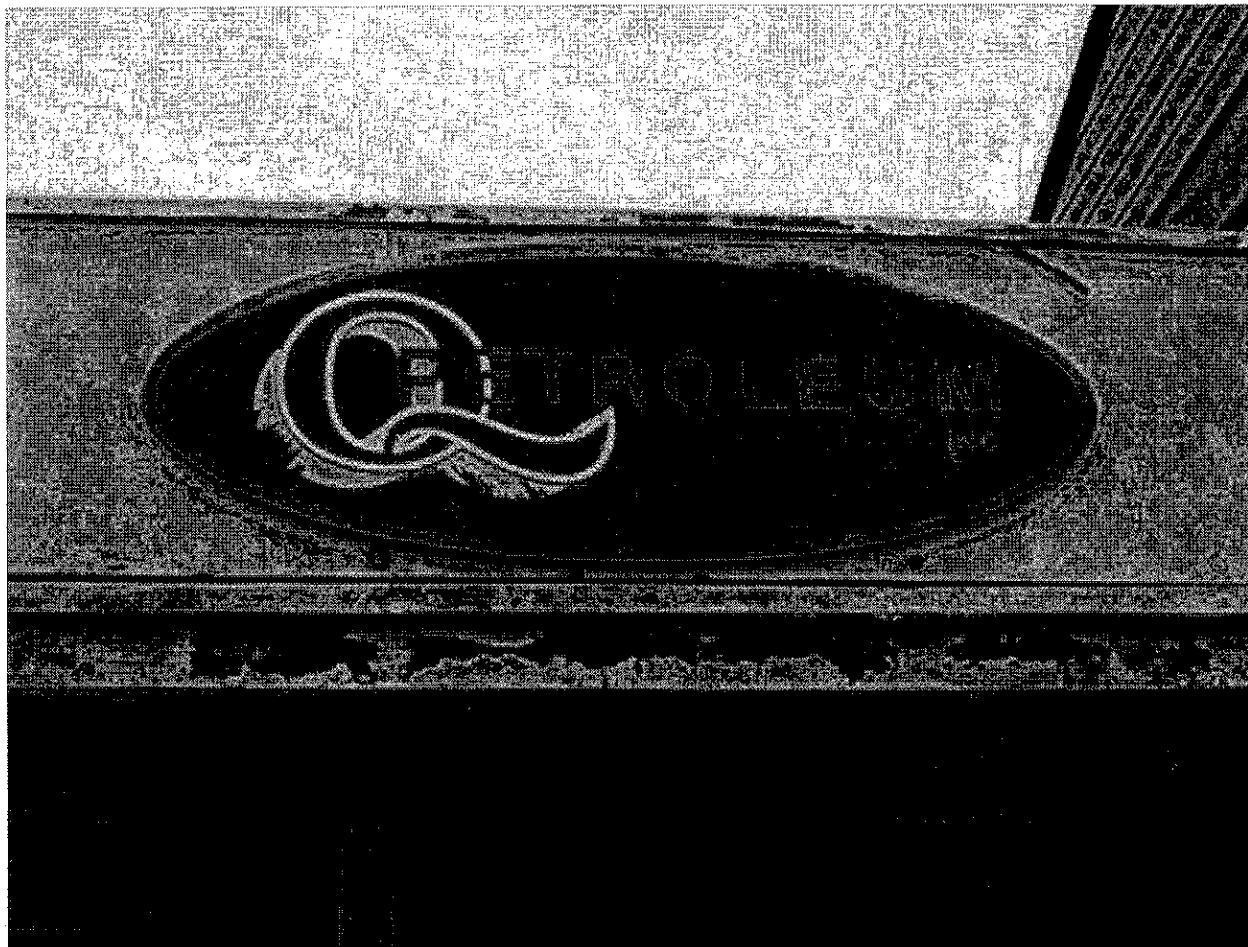
On May 21, 1999, SOSC returned to the incident location to supervise additional soil borings by Trade Winds and the integrity testing of the potential source, tank No.1. PCA Engineering, Inc. conducted the integrity testing of Tank No. 1. According to Integrity results the tank was intact and not leaking. BER requested all subsurface product lines also be tested or exposed for visual inspection. United Petroleum agreed to have the lines exposed for inspection. Soil borings along the waterfront retaining wall revealed heavy petroleum odor in the area along the drainage pipe. The area is located close proximity to the subsurface product lines.

On May 24, 1999, SOSOC Camargo and Berzins returned to the incident location to oversee the excavation of the sub-surface drainage pipe that was discharging oil. The sub-surface oil supply product line was also scheduled for inspection. Due to heavy rains the excavating was rescheduled for May 25, 1999.

On May 25, 1999, Trade Winds and Aziz Dar notified BER-1 that the source of the discharge was discovered when the sub-surface supply line was exposed. A crack was discovered at a weld joint. Based on inventory records BER-1 estimates 3,000 gallons of No. 2 was discharged.

**RECOMMENDATION:**

United Petroleum was verbally directed to reimburse the Spill Fund for all work conducted by S&D Environmental. A work order was signed between United Petroleum and S&D Environmental for all work conducted on-site by S&D. Upon receipt of S&D Environmental's bill, United Petroleum has 48-hours to pay the bill or BER-1 will continue with the Spill Fund submittal, at which time a new "Reimbursement" Field Directive will be given to United Petroleum. BER-1 also recommends enforcement action be taken against United Petroleum by DPCC and DRPSR. Case will be transferred for MOA oversight.



UNITED PETROLEUM

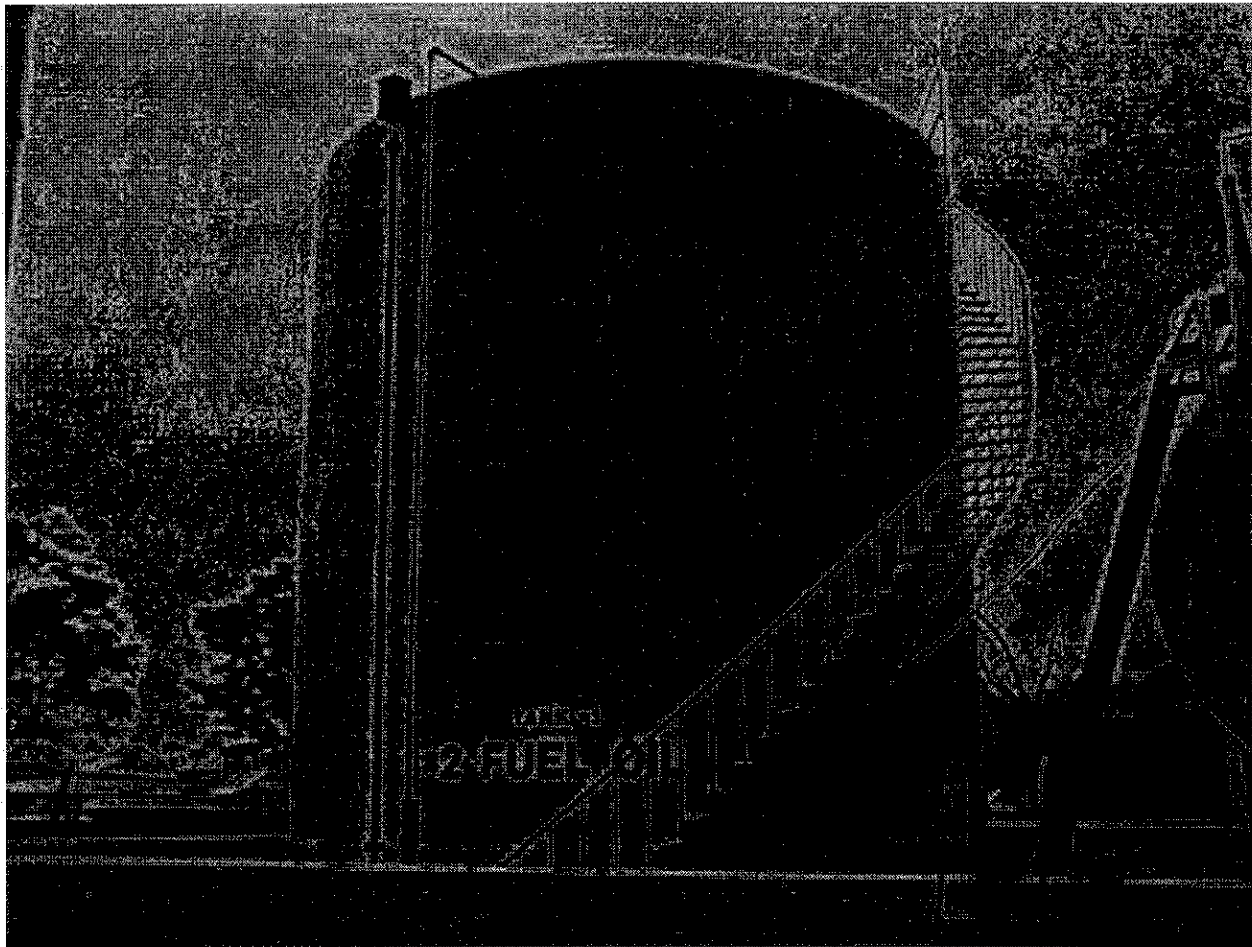
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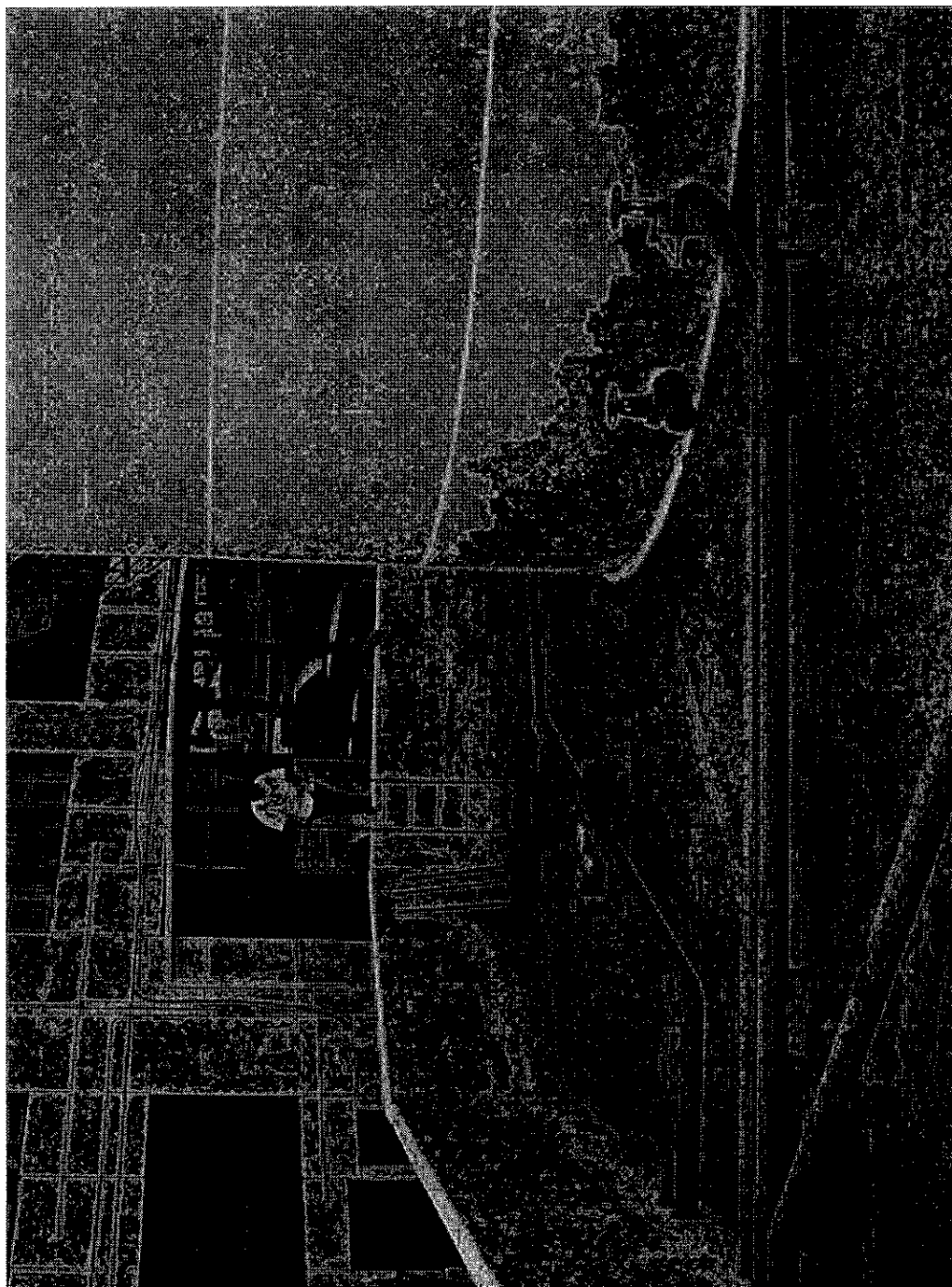


UNITED PETROLEUM  
99-05-18-2129  
5-24-99



UNITED PETROLEUM  
99-05-18-2129  
5-24-99

TANK No. 1  
CONTAINED 19,000 GALLONS  
OF No. 2. FUEL OIL



SUBSURFACE PRODUCT LINE  
LOCATED ADJACENT TO  
CADDEN.

UNITED PETROCEUM  
99-05-18-2129  
5-26-99



SOURCE OF OIL  
LEAK AT ELBOW LOCATION  
SUBSURFACE PRODUCT LINE

UNITED PETROLEUM  
99-05-18-2129  
5-26-99



UNITED PETROLEUM  
99-05-18-2129  
5-26-99

SOURCE OF OIL  
LEAK IN SUBSURFACE PRODUCT LINE



TANK #3  
FIRE WATER CINES PIT  
LOCATED UNDERNEATH  
NO SMOKING SIGN

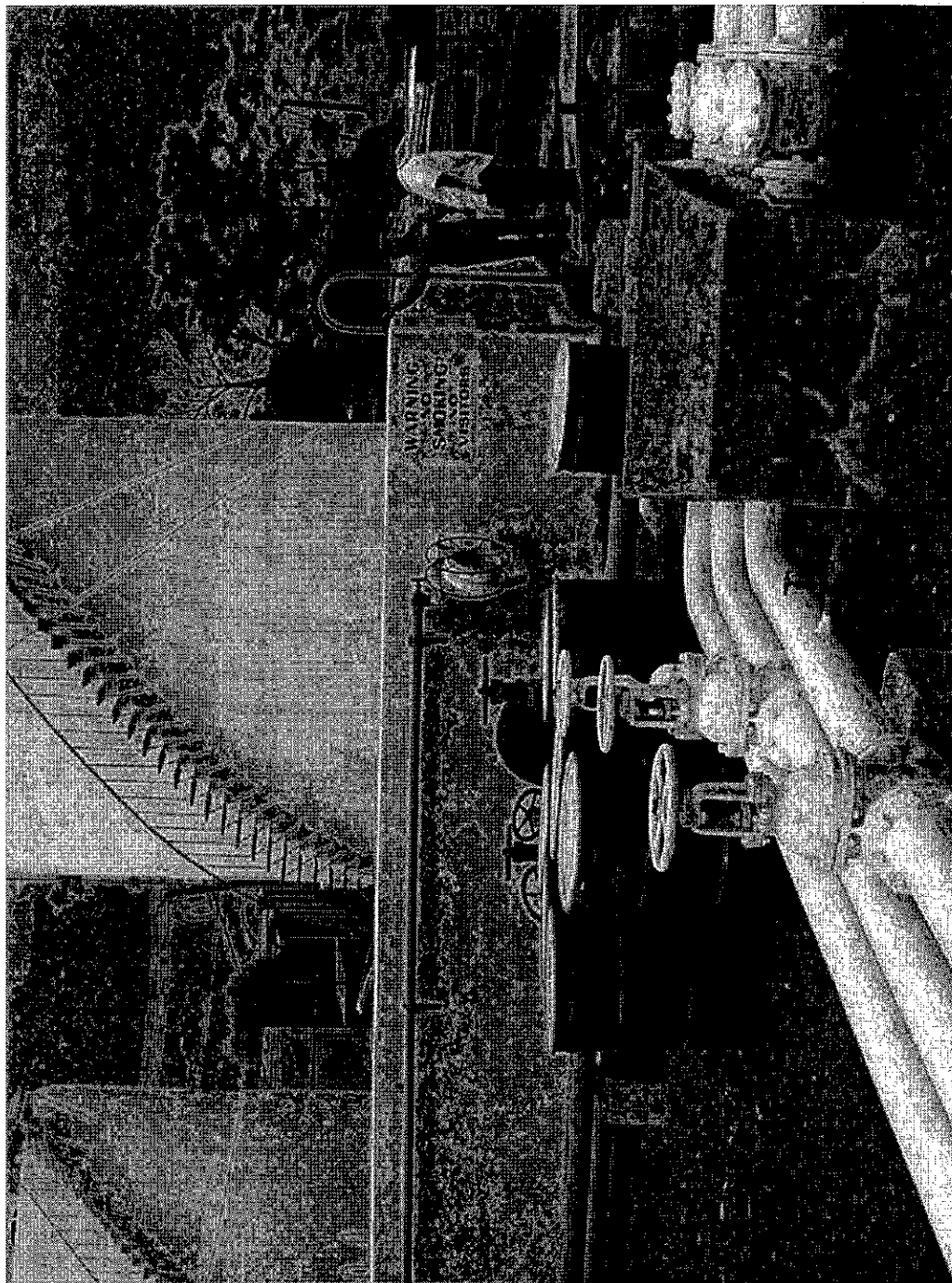
UNITED PETROLEUM  
99-05-18-2129  
5-26-99





FIRE WATER LINES PUT  
ADJACENT TO TANK NO. 3  
FREE PRODUCT ENTERING PIT

UNITED PETROLEUM  
99-05-18-2129  
5-26-99

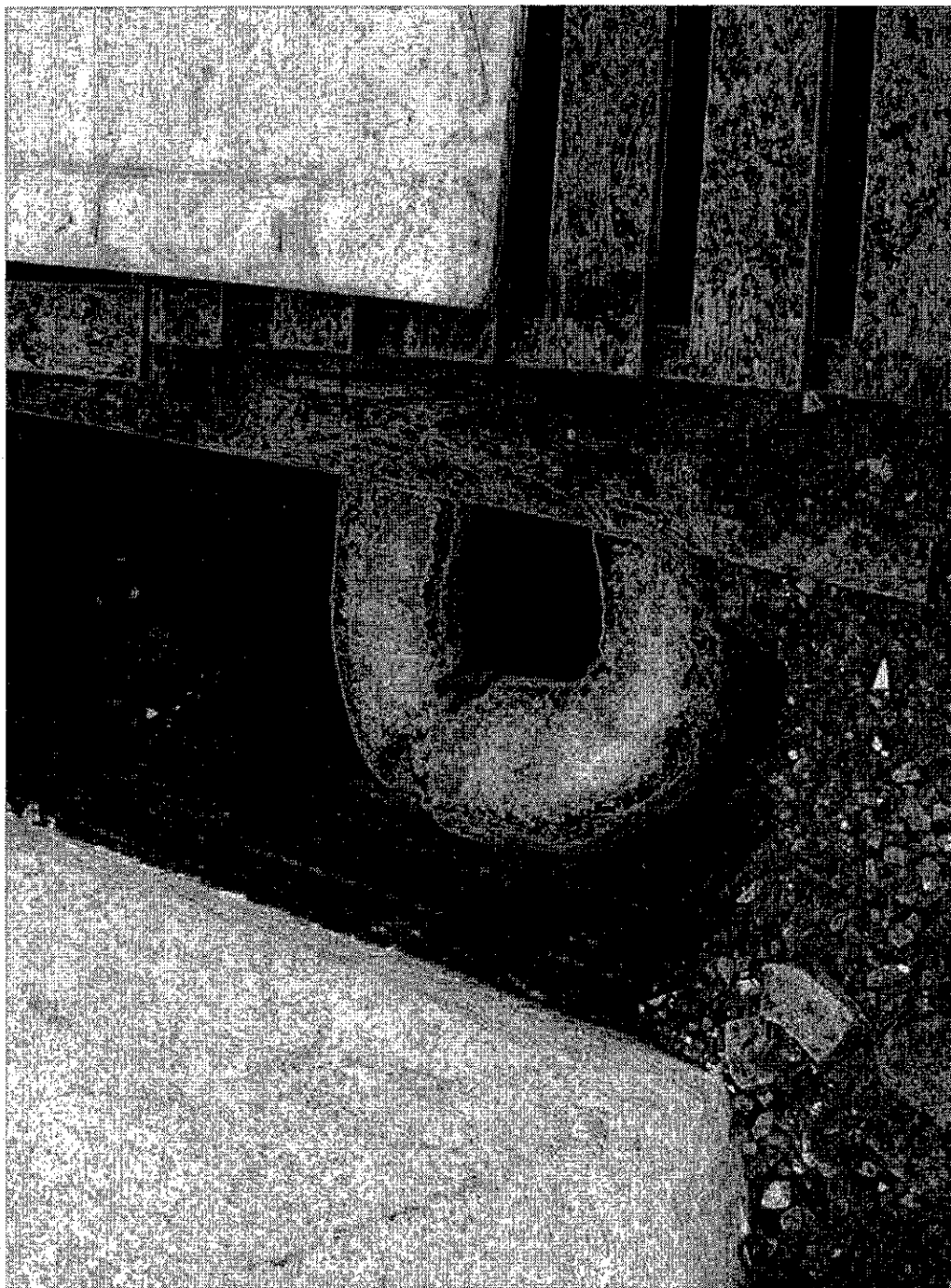


TANK BEEN WALL, DRAINAGE  
PIPE EXPOSED. PIPE SOURCE OF  
DISCHARGE TO RIVER.

UNITED PETROLEUM  
6212-81-50-99  
5-26-99

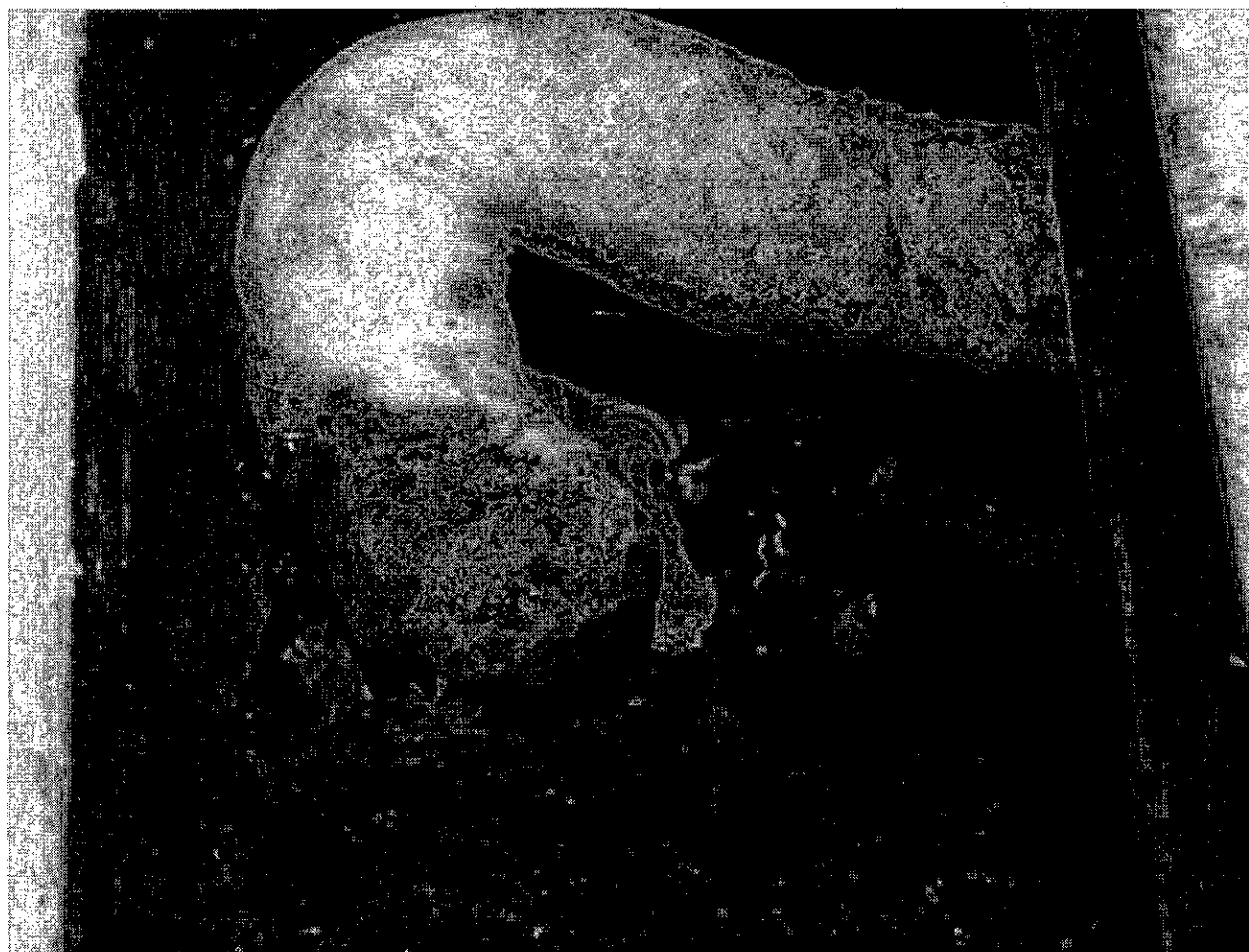


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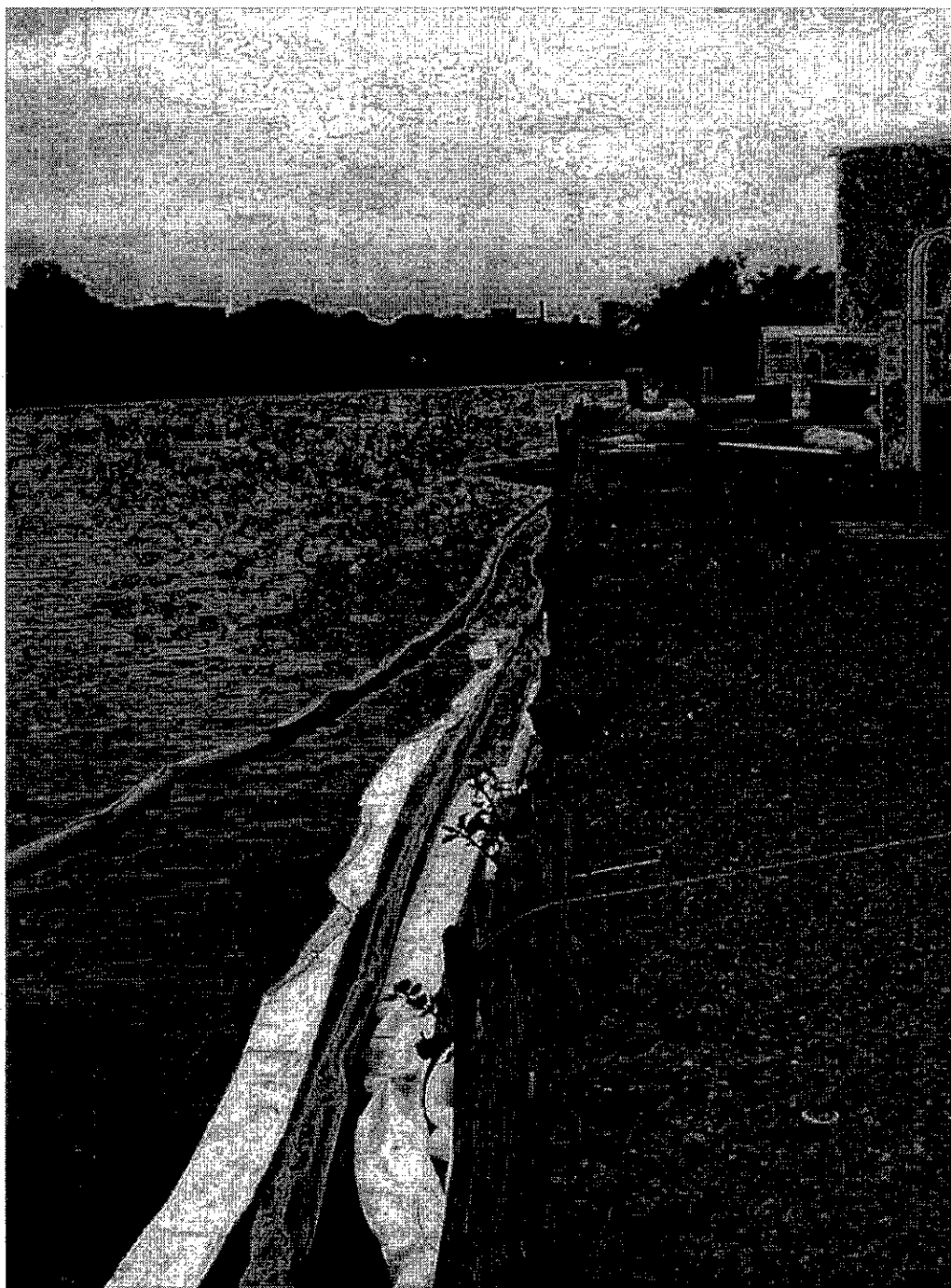
TANK BERM / RETAINING WALL BY WATERFRONT  
SUBSURFACE DRAINAGE PIPE EXPOSED

UNITED PETROLEUM  
99-05-18-2129  
5-26-99



UNITED PETROLEUM  
99-05-18-2129  
5-24-99

TANK BERM WALL  
NEAR WATERFRONT  
FUEL OIL SEEPING  
INTO A 4 INCH CLAY  
DRAINAGE PIPE THAT  
DISCHARGES TO RIVER.



UNITED PETROLEUM

99-05-18-2129

5-26-99

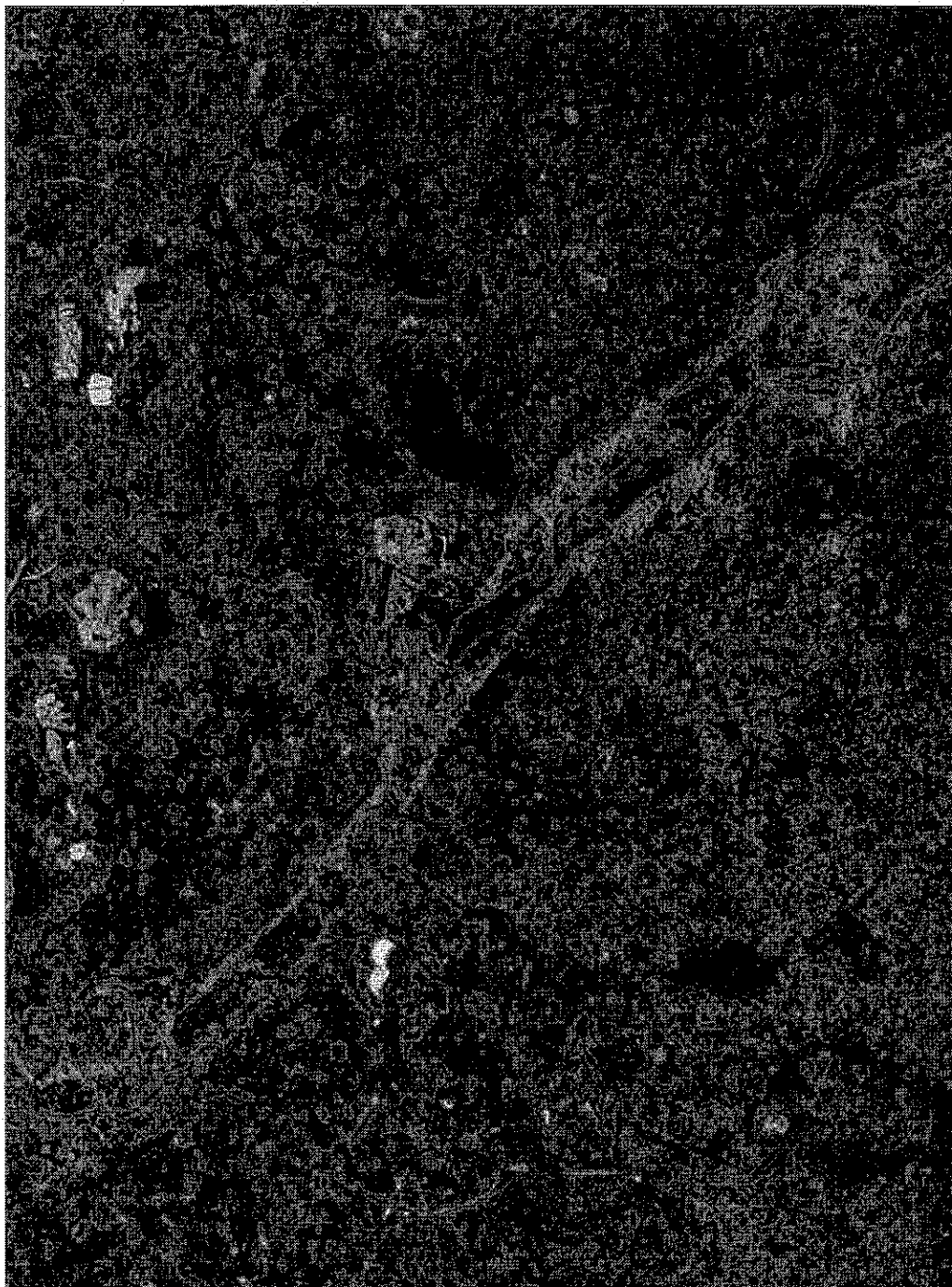
WATERFRONT



UNITED TECHNOLOGY  
99-05-18-2129  
5-26-99

LEGHATE ON MUD FLATS  
AT LOW TIDE. COCAINED IN  
AREA IN FRONT OF GASOLINE  
TANK FARM

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LEACHATE ON MUD FLATS  
FROM OL GASOLINE TANK FARM

UNITED PETROLEUM  
99-05-18-2129  
5-26-99





LEACHATE ON MUD FLATS  
FRONT OF GASOLINE TANK AREA

UNITED PETROLEUM  
99-05-18-2129  
5-26-99

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OIL/WATER SEPARATOR PIT  
PIT CONTAINED PETROLEUM PRODUCT

UNITED PETROLEUM  
99-05-18-2129  
5-26-99